



HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.

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Business*

March 6, 2012

To: Senator Joan Hartley, Co-Chairman
Representative Steve Dargan, Co-Chairman
Members of the Public Safety & Security Committee

From: Bill Ethier, Chief Executive Officer

Re: Senate Bill 323, AAC Crane Operations

The HBA of Connecticut is a professional trade association with almost 1,000 member firms statewide, employing tens of thousands of Connecticut citizens. Our members, all small businesses, are residential and commercial builders, land developers, home improvement contractors, trade contractors, suppliers and those businesses and professionals that provide services to our diverse industry. Our members build 70% to 80% of all new homes and apartments in the state each year.

We strongly support safe construction practices. But we oppose SB 323's mandatory licensing of all crane operators as the only option to comply with new federal OSHA regulations governing the operation of cranes and derricks.¹

SB 323 closely tracks the new OSHA regulations with some minor exceptions and one major exception. **The major exception is that federal OSHA provides four compliance paths to meet crane operator safety requirements. But, SB 323 allows for only the state licensing compliance path. Employers and crane operators should be able to opt for any of the four compliance paths approved by federal OSHA.**

In addition, federal OSHA's licensing compliance path states that such license is "valid for the period of time stipulated by the licensing department/office, but no longer than 5 years." See 1926.1427(e)(3)(i). Operator licenses under SB 323, however, are valid for only two years with a requirement to be retested every four years (see lines 140-146). If that makes sense for licensees, the licensing authority and organizations providing training to licensees, so be it. But, the two non-military compliance path options for crane operators approved by federal OSHA are both valid for five years without caveats. See 1926.1427(b)(4) and 1926.1427(c)(6)(ii). SB 323 should make it clear that if the non-licensing compliance paths are chosen by an employer or operator, such compliance means are valid for five years.

We strongly urge you to amend SB 323 by adding an additional exemption to the mandatory licensing provisions that allows the alternative compliance paths that are approved by federal OSHA. We offer the following language, to be added at the end of line 225: "... or (6) persons who, pursuant to federal Occupational Safety and Health Administration, Standard 1926.1427, are (i) certified by an accredited crane operator testing organization, (ii) qualified by an audited employer program, or (iii) qualified by the United States military, to operate the equipment covered by such federal OSHA standard." Thank you for considering our views on this legislation.

¹ see OSHA regulations, Standard 1926.1427, which we can provide to committee members on request.